

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JAMES JASON DOLLAR

Plaintiff,

v.

ANNE ARUNDEL COUNTY *et al.*

Defendants.

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Case No. 1:24-cv-01642-BAH

DEFENDANTS' MOTION TO SEAL

Pursuant to Local Rule 105.11, Defendants Cpl. Kevin L. Rivers # 2355, Lt. Michael Shier #1799 and Anne Arundel County, Maryland, by and through their undersigned counsel respectfully move this Court to file under seal the Memorandum in Support and the attached exhibits in Support of their Motion to Dismiss or in the alternative Motion for Summary Judgment. In support of this Motion, Defendants state as follows:

1. Plaintiff Mr. Dollar was detained and transported by County Police to a hospital for an emergency petition.

2. The heart of this case is whether or not the actions by the County Police were justified.

3. Under Maryland law, the County Police needed reason to believe Plaintiff Mr. Dollar had a specific mental health condition and County Police needed reason to believe Plaintiff Mr. Dollar posed a danger to himself or others. *S.P. v. City of Takoma Park, Md.*, 134 F.3d 260, 267-68 (4th Cir. 1998).

4. To justify the detention of Plaintiff Mr. Dollar for an emergency petition, it is necessary to identify his specific mental health diagnoses.

5. As part of the investigation, the Defendants spoke with Plaintiff Mr. Dollar's medical providers and their responses played a role in the subsequent actions of the Defendants.

6. The Memorandum in Support is supported by affidavits from the Defendants and certified copies of police reports. Each of these exhibits contains specific mental health diagnoses of Plaintiff Mr. Dollar and the communications from his medical providers.

7. The specific mental health diagnoses of Plaintiff Mr. Dollar and the communications from his medical providers are confidential and protected under the Health Insurance Portability and Accountability Act (“HIPAA”).

8. As a result, Defendants must file the Memorandum in Support and the attached exhibits under seal and file this Motion to Seal.

9. There is no alternative to sealing that would provide sufficient protection from disclosure of the confidential and sensitive information contained in these exhibits.

WHEREFORE, Defendants, Defendants Cpl. Kevin L. Rivers # 2355, Lt. Michael Shier #1799 and Anne Arundel County, Maryland respectfully request that this Court Grant this Motion to Seal the Memorandum In Support and the attached exhibits.

Respectfully submitted,

GREGORY J. SWAIN

/s/ Thomas J. Mitchell

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2355, Lt. Michael Shier #1799 and Anne
Arundel County, Maryland*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of August, 2024, I filed the foregoing Motion to Seal and the Proposed Order electronically via the Court's ECF/CM filing system which will make service upon all parties entitled to service.

/s/ Thomas J. Mitchell
Thomas J. Mitchell, Esq.
Federal Bar #18774